IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1321 of 2003

with

SPECIAL CIVIL APPLICATION No 1344 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANKLESHWAR CITY AREA FRUITS AND VEGETABLE PRODUCERS SALES

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1321 of 2003
   MR BS PATEL for Petitioner No. 1
   MRS RANJAN B PATEL for Petitioner No. 1
   GOVERNMENT PLEADER for Respondent No. 1
   MR VC VAGHELA for Respondent No. 2
2. Special Civil Application No. 1344 of 2003
   MR BS PATEL for Petitioner No. 1
   GOVERNMENT PLEADER for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 01/12/2004

ORAL JUDGEMENT

1. The petitioners have challenged the legality and validity of the order passed by the State Government in Revision Applications No.12/2001 and No.13/2001, whereby the State Government has allowed the revision mainly on the ground that no objection certificate from the existing society has not been obtained.

2. When the matter is taken up for hearing, Mr.Vaghela, learned Counsel appearing for respondent No.4 states that Ankleshwar Taluka Tribal Area Fruits and Vegetable Growers as well as Purchase and Conversion Society, who is represented by respondent No.2 has no objection if the registration of the petitioner Society is allowed to be continued.

3. It may be recorded that pending the petition, the interim relief has been granted staying the operation of the order of the State Government allowing the revision application and, therefore, the petitioners Society concerned have continued to function. As the ground which is considered by the State Government would not continue to remain in existence, the order passed by the State Government deserves to be quashed with the further directions to the State Government to reconsider the revision and to pass a fresh order in light of the subsequent development of the matter.

4. In view of the above, the impugned order passed by the State Government dated 4.5.2002 in Revision Applications No.12/2001 and No.13/2001 is quashed and set aside in view of the aforesaid subsequent development and the State Government is directed to reconsider the revisions once again in light of the statement made by respondent No.2 Society before this Court recorded hereinabove. The matter shall be considered by the State Government and appropriate order shall be passed as early as possible, preferably within a period of three months from receipt of writ of this Court. The petitions are allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances of the case, there shall be no order as to costs. Direct service is permitted.

1-12-2004 (Jayant Patel, J.)

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